

CHAPTER 79**CHILD SUPPORT — CENTRALIZED EMPLOYEE REGISTRY, ESTABLISHMENT OF
PATERNITY, AND OTHER MATTERS***S.F. 350*

AN ACT relating to child support and providing for civil penalties and an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I**TITLE**

Section 1. This Act shall be known and may be referred to as the "Iowa Child Support Recovery Act of 1993".

DIVISION II**CENTRALIZED EMPLOYEE REGISTRY**

Sec. 2. Section 22.7, Code 1993, is amended by adding the following new subsection:
NEW SUBSECTION. 29. The information contained in records of the centralized employee registry created in chapter 252G, except to the extent that disclosure is authorized pursuant to chapter 252G.

Sec. 3. NEW SECTION. 252G.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Compensation" means payment owed by the payor of income for:
 - a. Labor or services rendered by an employee or contractor to the payor of income.
 - b. Benefits including, but not limited to, vacation, holiday, and sick leave, and severance payments which are due an employee under an agreement with the employer or under a policy of the employer.
- 1A. "Contractor" means a natural person who is an independent contractor, including an independent trucking owner or operator.
2. "Date of hire" means the earlier of either of the following:
 - a. The first day for which the employee or contractor is owed compensation by the payor of income.
 - b. The first day that an employee or contractor reports to work or performs labor or services for the payor of income.
3. "Days" means calendar days.
4. "Department" means the department of human services.
5. "Dependent" includes a spouse or child or any other person who is in need of and entitled to support from a person who is declared to be legally liable for the support of that dependent.
6. "Employee" means a natural person who is employed by an employer in this state for compensation and for whom the employer withholds federal or state tax liabilities from the employee's compensation.
7. "Employer" means a person doing business in the state who engages an employee for compensation and for whom the employer withholds federal or state tax liabilities from the employee's compensation.
- 7A. "Payor of income" includes both an employer and a person doing business in the state who engages a contractor for compensation.
8. "Registry" means the central employee registry created in section 252G.2.
9. "Rehire" means the earlier of either of the following:
 - a. The first day for which the employee or contractor is owed compensation by the payor of income following an unpaid absence of a minimum of six consecutive weeks.
 - b. The first day that an employee or contractor reports to work or performs labor or services for the payor of income following an unpaid absence of a minimum of six consecutive weeks.

10. "Unit" means the child support recovery unit created in section 252B.2.

Sec. 4. NEW SECTION. 252G.2 ESTABLISHMENT OF CENTRAL EMPLOYEE REGISTRY.

By January 1, 1994, the unit shall establish a centralized employee registry database for the purpose of receiving and maintaining information on newly hired or rehired employees from employers. The unit shall establish the database and the department may adopt rules in conjunction with the department of revenue and finance and the department of employment services to identify appropriate uses of the registry and to implement this chapter, including implementation through the entering of agreements pursuant to chapter 28E.

Sec. 5. NEW SECTION. 252G.3 EMPLOYER REPORTING REQUIREMENTS -- PENALTY.

1. Beginning January 1, 1994, an employer who hires or rehires an employee on or after January 1, 1994, shall report all of the following to the centralized employee registry within ten days of the hiring or rehiring of an employee:

- a. The employer's name, address, and federal identification number.
- b. The employee's name, address, social security number, and date of birth.
- c. Information regarding availability of employee dependent health care coverage and whether or not the employee is qualified for the coverage.
- d. Whether the payroll of the employer is prepared at the address of the employer or at a separate location, and the address of the separate location, if applicable.

2. Employers required to report may report the information required under subsection 1 by any of the following means:

- a. By mailing a copy of the employee's Iowa employee's withholding allowance certificate to the registry.
- b. By submitting electronic media in a format approved by the unit in advance.
- c. By submitting a fax transmission of the employee's Iowa employee's withholding allowance certificate to the registry.
- d. By any other means authorized by the unit in advance if the means will result in timely reporting.

3. Until such time as the Iowa employees' withholding allowance certificate is amended to provide for inclusion of all of the information required under subsection 1, submission of the certificate constitutes compliance with this section.

4. If an employer fails to report as required under this section, an action may be brought against the employer by any state agency accessing or administering the registry, or by the attorney general. The action may be brought in district court in the county in which the employer has its principal place of business, or if the employer has no principal place of business, in any county in which an employee is performing labor or service for compensation, or in Polk county to determine noncompliance with this section. A willful failure to provide the information shall be punishable as contempt.

Sec. 6. NEW SECTION. 252G.3A ALTERNATIVE REPORTING REQUIREMENTS -- PENALTY.

1. Beginning January 1, 1994, a payor of income to whom section 252G.3 is inapplicable, who engages a contractor on or after January 1, 1994, shall report all of the following to the registry within ten days of hiring or rehiring of a contractor:

- a. The name, address, and federal identification number of the payor of income.
- b. The contractor's name, address, social security number, and if known, the contractor's date of birth.

2. Payors of income to whom section 252G.3 is inapplicable shall report under this section only when all of the following conditions are met.

- a. The contractor is not being engaged for the sole purpose of performing services on the residential property of the payor of income.
- b. Payment of income under the contract is reasonably expected to equal or exceed one thousand dollars in any twelve-month period.

c. The contractor will perform labor or services for a minimum period of two months.

3. A payor of income required to report under this section may report the information required under subsection 1 by any written means authorized by the unit which results in timely reporting.

4. Information reported under this section shall be received and maintained as provided in section 252G.2.

5. A payor of income required to report under this section who fails to report is subject to the penalty provided in section 252G.3, subsection 4.

Sec. 7. NEW SECTION. 252G.4 ACCESS TO CENTRALIZED EMPLOYEE REGISTRY.

The records of the centralized employee registry are confidential records pursuant to section 22.7, and may be accessed only by state agencies as provided in this section. When a state agency accesses information in the registry, the agency may use the information to update the agency's own records. Access to and use of the information contained in the registry shall be limited to the following:

1. The unit for administration of the child support enforcement program, including but not limited to activities related to establishment and enforcement of child and medical support obligations through administrative or judicial processes, and other services authorized pursuant to chapter 252B.

2. State agencies which utilize income information for the determination of eligibility or calculation of payments for benefit or entitlement payments.

3. State agencies which utilize income information for the recoupment of debts to the state.

Sec. 8. NEW SECTION. 252G.5 ADMINISTRATION AND COSTS OF THE CENTRALIZED EMPLOYEE REGISTRY.

1. The registry shall maintain the information received from employers for a minimum period of six months.

2. State agencies accessing the centralized registry shall participate in a proportionate cost sharing to defray the administrative costs of the registry. The amount of a state agency's proportionate share shall be established by rule of the department.

**DIVISION III
PATERNITY BY AFFIDAVIT**

Sec. 9. Section 144.13, Code 1993, is amended to read as follows:

144.13 BIRTH CERTIFICATES.

1. Certificates of births shall be filed as follows:

1 a. A certificate of birth for each live birth which occurs in this state shall be filed with the county registrar of the county in which the birth occurs within ten days after the birth and shall be registered by the registrar if it has been completed and filed in accordance with this chapter. However, when a birth occurs in a moving conveyance, a birth certificate shall be filed in the county in which the child was first removed from the conveyance.

2 b. When a birth occurs in an institution, the person in charge of the institution or the person's designated representative shall obtain the personal data, prepare the certificate, secure the signatures required by the certificate, and file the certificate with the county registrar. The physician in attendance or the person in charge of the institution or the person's designee shall certify to the facts of birth and provide the medical information required by the certificate within six days after the birth.

3 c. When a birth occurs outside an institution, the certificate shall be prepared and filed by one of the following in the indicated order of priority:

- a. (1) The physician in attendance at or immediately after the birth.
- b. (2) Any other person in attendance at or immediately after the birth.
- c. (3) The father or the mother.
- d. (4) The person in charge of the premises where the birth occurred.

4 d. In the case of a child born out of wedlock, the certificate shall be filed directly with the state registrar.

e. In the case of a child born out of wedlock, an affidavit of paternity filed pursuant to section 252A.3A shall be filed directly with the state registrar.

2. If the mother was married either at the time of conception or birth, the name of the husband shall be entered on the certificate as the father of the child unless paternity has been determined otherwise by a court of competent jurisdiction, in which case the name of the father as determined by the court shall be entered by the department.

3. If the mother was not married either at the time of conception or birth, the name of the father shall not be entered on the certificate of birth without the written consent of the mother and the person to be named as the father, unless a determination of paternity has been made by a court of competent jurisdiction pursuant to section 252A.3, in which case the name of the father as determined by the court established shall be entered by the department.

4. The division shall make available to the child support recovery unit, upon request, a copy of a child's birth certificate, the social security numbers of the mother and the father, and a copy of the affidavit of paternity if provided pursuant to section 252A.3A.

Sec. 10. Section 144.40, Code 1993, is amended to read as follows:

144.40 PATERNITY OF CHILDREN OUT OF WEDLOCK.

Upon request and receipt of a sworn acknowledgment of paternity of a child born out of wedlock signed by both parents including an affidavit of paternity completed and filed pursuant to section 252A.3A, the state registrar shall amend a certificate of birth to show paternity if paternity is not shown on the birth certificate. Upon written request of the parents, the surname of the child may be changed on the certificate to that of the father. The certificate shall not be marked "amended". A fee established by the department by rule based on average administrative cost shall be collected for each certificate of birth amended to show paternity. Fees collected under this section shall be deposited in the general fund of the state.

Sec. 11. Section 252A.2, Code 1993, is amended by adding the following new subsection: NEW SUBSECTION. 11A. "State registrar" means state registrar as defined in section 144.1.

Sec. 12. Section 252A.3, subsection 9, Code 1993, is amended to read as follows:

9. The natural parents of a child born out of wedlock shall be severally liable for the support of the child, but the liability of the natural father shall not be enforceable unless the natural father has been adjudicated to be the child's father by a court of competent jurisdiction, or the natural father has acknowledged paternity of the child in open court or by written statement paternity has been legally established. Paternity may be established as follows:

a. By order of a court of competent jurisdiction or by administrative order when authorized by state law.

b. By the statement of the person admitting paternity in court and upon concurrence of the mother. If the mother was married, at the time of birth or conception of the child, to an individual other than the person admitting paternity, the individual to whom the mother was married at the time of birth or conception must deny paternity in order to establish the paternity of the person admitting paternity upon the sole basis of the admission.

c. By the filing of an affidavit of paternity executed on or after July 1, 1993, as provided in section 252A.3A, provided that the mother of the child was unmarried at the time of birth and conception of the child or if the mother was married at the time of birth or conception of the child, a court of competent jurisdiction has determined that the individual to whom the mother was married at that time is not the father of the child.

Sec. 13. NEW SECTION. 252A.3A PATERNITY BY AFFIDAVIT.

1. Upon the birth of a child to a woman who was unmarried at the time of birth and conception of the child, the institution where the birth occurred shall provide the mother and the individual alleged to be the father all of the following:

a. Written information, available from the Iowa department of public health and developed by the child support recovery unit established in section 252B.2, explaining the implications of filing the affidavit, parental rights and responsibilities, and the benefits of establishing paternity.

b. Upon request, an affidavit of paternity form from the Iowa department of public health to be completed by the parties, or instructions regarding the process for obtaining a form from the Iowa department of public health.

An institution is not required to assist in the completion or filing of an affidavit of paternity except as provided under subsection 2.

2. An institution may either voluntarily, or under an agreement with the child support recovery unit, assist the mother and the individual alleged to be the father in completing an affidavit of paternity and submitting a completed affidavit of paternity to the state registrar accompanied by a copy of the birth certificate. A completed affidavit of paternity shall contain or have attached all of the following:

a. The signature of a notary public attesting to the identity of the parties signing the affidavit of paternity.

b. A statement by the mother consenting to the assertion of paternity and the identity of the father and acknowledging that the mother was unmarried at the time of birth and conception of the child.

c. A statement by the individual admitting paternity that the individual is the father of the child.

d. The social security numbers of both persons signing the affidavit.

3. The child support recovery unit may reimburse an institution for the costs of administering the provisions of this section if the institution has entered into a written agreement with the child support recovery unit. Reimbursement shall be based only on the number of affidavits submitted to the state registrar that are completed in compliance with this section and shall be limited to the lesser of actual costs or twenty dollars for each affidavit filed. An institution entering into an agreement for reimbursement shall assist the parents of a child born out of wedlock in completing and submitting an affidavit for paternity upon the request of the parties and within ten days following the birth.

4. The mother and the individual admitting paternity of a child born out of wedlock may directly obtain an affidavit of paternity from the Iowa department of public health or the child support recovery unit and complete and file the affidavit of paternity with the state registrar, without utilizing the services of an institution, provided that all other requirements under this section are met. Upon the request for an affidavit of paternity from the Iowa department of public health or child support recovery unit, the Iowa department of public health or child support recovery unit shall also make available the information provided pursuant to subsection 1.

5. If a court of competent jurisdiction has determined that the husband of the mother at the time of birth or conception is not the father of the child, the mother may utilize the proceedings to establish paternity by affidavit provided in this section with respect to unmarried mothers.

DIVISION IV ADMINISTRATIVE ESTABLISHMENT OF PATERNITY

Sec. 14. NEW SECTION. 252F.1 DEFINITIONS.

As used in this chapter unless the context otherwise requires:

1. "Administrator" means the administrator of the child support recovery unit of the department of human services or the administrator's designee.

2. "Mother" means a mother of the child for whom paternity is being established.

3. "Paternity is at issue" means any of the following conditions:

a. A child was not born or conceived within marriage.

b. A child was born or conceived within marriage but a court has declared that the child is not the issue of the marriage.

c. Paternity has been established by the filing of an affidavit of paternity and the father is contesting paternity within the statute of limitations period pursuant to section 600B.41, subsection 7.

4. "Paternity test" means and includes any form of blood, tissue, or genetic testing administered to determine the biological father of a child.

5. "Putative father" means a person alleged to be the biological father of a child.

6. "Unit" means the child support recovery unit created in section 252B.2.

Sec. 15. NEW SECTION. 252F.2 JURISDICTION.

In any case in which the unit is providing services pursuant to chapter 252B and paternity is at issue, proceedings may be initiated by the unit pursuant to this chapter for the sole purpose of establishing paternity and any accrued or accruing child support or medical support obligations. Proceedings under this chapter are in addition to other means of establishing paternity or support. Issues in addition to establishment of paternity or support obligations shall not be addressed in proceedings initiated under this chapter.

An action to establish paternity and support under this chapter may be brought within the time limitations set forth in section 614.8.

Sec. 16. NEW SECTION. 252F.3 NOTICE OF ALLEGED PATERNITY AND SUPPORT DEBT — CONFERENCE — REQUEST FOR HEARING.

1. The unit may prepare a notice of alleged paternity and support debt to be served on the putative father if the mother of the child provides a statement to the unit verifying that the putative father is or may be the biological father of the child or children involved. The notice shall be accompanied by a copy of the statement and served on the putative father in accordance with rule of civil procedure 56.1. Service upon the mother shall not constitute valid service upon the putative father. The notice shall include all of the following:

a. The name of the recipient of services under chapter 252B and the name and birth date of the child or children involved.

b. A statement that the putative father has been named as the biological father of the child or children named.

c. A statement that the amount of the putative father's monthly support obligation and the amount of the support debt accrued and accruing will be established in accordance with the guidelines established in section 598.21, subsection 4, and the criteria established pursuant to section 252B.7A.

d. A statement that the putative father has a duty to provide accrued and accruing medical support to the child or children in accordance with chapter 252E.

e. An explanation of the procedures for determining the child support obligation and a request for financial or income information as necessary for application of the child support guidelines established pursuant to section 598.21, subsection 4.

f. (1) The right of the putative father to request a conference with the unit to discuss paternity establishment and the amount of support that the putative father is required to pay, within ten days of the date of service or within ten days of the date of mailing of the paternity test results to the putative father if the father denies paternity.

(2) A statement that if a conference is requested, the putative father shall have ten days from the date set for the conference or twenty days from the date of service of the original notice, or ten days from the date of the mailing of paternity test results to the putative father if the putative father no longer denies paternity, whichever is later, to send a written request for a hearing on the issue of support to the unit.

(3) A statement that after the holding of the conference, the administrator may issue a new notice and finding of financial responsibility for child support or medical support, or both, to be sent to the putative father by regular mail addressed to the putative father's last known address.

(4) A statement that if the administrator issues a new notice and finding of financial responsibility for child support or medical support, or both, the putative father shall have ten days

from the date of issuance of the new notice or twenty days from the date of service of the original notice, or ten days from the date of the mailing of paternity test results to the putative father if the putative father no longer denies paternity, whichever is later, to send a written request for a hearing on the issue of support to the unit.

g. A statement that if a conference is not requested, and the putative father objects to the finding of financial responsibility or the amount of child support or medical support, or both, the putative father shall within twenty days of the date of service or within ten days from the date of the mailing of paternity test results to the putative father if the putative father no longer denies paternity, whichever is later, to send a written request for a hearing on the issue of support to the unit.

h. A statement that if a timely written request for a hearing on the issue of support is received by the unit, the putative father shall have the right to a hearing to be held in district court and that if no timely written request is received and paternity is not denied, the administrator may enter an order in accordance with the notice and finding of financial responsibility for child support or medical support, or both.

i. A statement of the rights and responsibilities associated with the establishment of paternity.

j. A statement of the putative father's right to deny paternity, the procedures for denying paternity, and the consequences of the denial.

1A. The time limitations established for the notice provisions under subsection 1 are binding unless otherwise specified in this chapter or waived by the putative father pursuant to section 252F.8.

2. If notice is served on the putative father, the unit shall file a true copy of the notice and the original return of service with the clerk of the district court in the county in which the child or children reside, or, if the action is the result of a request from a foreign jurisdiction of another state to establish paternity of a putative father located in Iowa, in the county in which the putative father resides. All subsequent documents filed or court hearings held related to the action shall be in the district court in the county in which notice was filed pursuant to this subsection. The clerk shall file and docket the action.

3. If the putative father requests a hearing on the issue of support, and if a timely written response setting forth objections and requesting a hearing is received by the unit, a hearing shall be held in district court on the issue of support.

4. If a timely written response and request for hearing is not received by the unit and the putative father does not deny paternity, the administrator may enter an order in accordance with section 252F.4 on the issue of support.

5. a. If the putative father denies paternity, the putative father shall submit, within twenty days of service of the notice under subsection 1, a written denial of paternity to the unit. Upon receipt of a written denial of paternity, the administrator shall enter an ex parte administrative order requiring the mother, child or children, and the putative father to submit to paternity testing. The order shall be filed with the clerk of the district court in the county where the notice was filed.

b. If the putative father has signed an affidavit of paternity pursuant to section 252A.3A within the three-year period prior to the receipt of notice, and the putative father contests paternity, the putative father shall pay all costs of the paternity testing.

c. If a paternity test is required under this section, the administrator shall direct that inherited characteristics, including but not limited to blood types, be analyzed and interpreted, and shall appoint an expert qualified as an examiner of genetic markers to analyze and interpret the results and report the results to the administrator.

d. The putative father shall be provided one opportunity to reschedule the paternity testing appointment if the testing is rescheduled prior to the date of the originally scheduled appointment.

e. An original copy of the test results shall be sent to the clerk of the district court in the county where the notice was filed, and a copy shall be sent to the administrator and to the putative father.

f. Verified documentation of the chain of custody of the blood specimens is competent evidence to establish the chain of custody.

g. If the expert concludes that the test results show that the putative father is not excluded and that the probability of the putative father's paternity is ninety-five percent or higher, there shall be a rebuttable presumption that the putative father is the biological father, and the evidence shall be sufficient as a basis for administrative establishment of paternity. A verified expert's report on test results which indicate a statistical probability of paternity is sufficient authenticity of the expert's conclusion.

h. If the paternity test results indicate a probability of paternity of ninety-five percent or greater and the putative father wishes to challenge the presumption of paternity, the putative father shall file a written notice of the challenge with the district court and an application for a hearing by the district court within twenty days of the filing of the expert's report with the clerk of the district court or within ten days after the scheduled date of the conference, whichever occurs later.

(1) The party challenging the presumption of paternity has the burden of proving that the putative father is not the father of the child.

(2) The presumption of paternity may be rebutted only by clear and convincing evidence.

i. If the expert concludes that the test results indicate that the putative father is not excluded and that the probability of the putative father's paternity is less than ninety-five percent, test results shall be weighed along with other evidence of paternity. To challenge the test results, a party shall file a written notice of the challenge with the clerk of the district court within twenty days of the filing of the expert's report and shall send a copy of the written notice to any other party. The administrator may then order a second test or certify the case to the district court for resolution.

j. If the paternity test results exclude the putative father as a potential biological father of the child, and additional tests are not requested by either party, the unit shall withdraw its action against the putative father and shall file a notice of the withdrawal with the clerk of the district court.

k. If the results of the test or the expert's analysis are disputed, the administrator, upon the request of a party or upon the unit's own initiative, shall order that an additional test be performed by the same laboratory or an independent laboratory, at the expense of the party requesting additional testing.

Sec. 17. NEW SECTION. 252F.4 ENTRY OF ORDER.

1. If the putative father fails to respond to the initial notice within twenty days after the date of service of the notice or fails to appear at the conference pursuant to section 252F.3 on the scheduled date of the conference, the administrator may enter an order against the putative father, declaring the putative father to be the biological father and assessing the support obligation and accrued and accruing child support pursuant to the guidelines established under section 598.21, subsection 4, and medical support pursuant to chapter 252E against the father.

2. If the putative father fails to appear for a paternity test and fails to request a rescheduling pursuant to section 252F.3, or fails to appear for both the initial and the rescheduled paternity tests, the administrator may enter an order against the putative father declaring the putative father to be the biological father of the child and assessing the support obligation and accrued and accruing child support pursuant to the guidelines established under section 598.21, subsection 4, and medical support pursuant to chapter 252E against the father.

3. If the putative father appears at a conference, the administrator may enter an order against the putative father ten days after the second notice has been sent declaring the putative father to be the biological father of the child and assessing the support obligation and accrued and accruing child support pursuant to the guidelines established under section 598.21, subsection 4, and medical support pursuant to chapter 252E against the father.

3A. If paternity testing was performed and the putative father was not excluded, and the putative father fails to timely challenge paternity testing, the administrator may enter an order

against the putative father declaring the putative father to be the biological father of the child and assessing the support obligation and accrued and accruing child support pursuant to the guidelines established under section 598.21, subsection 4, and medical support pursuant to chapter 252E against the father.

4. The administrator shall establish a support obligation under this section based upon the best information available to the unit and pursuant to section 252B.7A.

5. The order shall contain all of the following:

a. A declaration of paternity.

b. The amount of monthly support to be paid, with direction as to the manner of payment.

c. The amount of accrued support.

d. The name of the custodial parent or caretaker.

e. The name and birth date of the child or children to whom the order applies.

f. A statement that property of the putative father is subject to income withholding, liens, garnishment, tax offset, and other collection actions.

g. The medical support required pursuant to chapter 598 and chapter 252E.

6. If the putative father does not deny paternity but does wish to challenge the issues of child or medical support, the administrator may enter an order establishing paternity and reserving the issues of child or medical support for determination by the district court.

Sec. 18. NEW SECTION. 252F.5 CERTIFICATION TO DISTRICT COURT.

1. Actions initiated under this chapter are not subject to contested case proceedings or further review pursuant to chapter 17A.

2. An action under this chapter may be certified to the district court if a party challenges the administrator's finding of paternity, or the amount of support, or both. Review by the district court shall be an original hearing before the court.

3. In any action brought under this chapter, the action shall not be certified to the district court in a contested paternity action unless all of the following have occurred:

a. Paternity testing has been completed.

b. The results of the paternity test have been sent to the putative father.

c. A written objection to the entry of an order has been received from the putative father.

4. A matter shall be certified to the district court in the county in which the notice was filed pursuant to section 252F.3, subsection 2.

5. The court shall set the matter for hearing and notify the parties of the time of and place for hearing.

6. If the court determines that the putative father is the biological father, the court shall establish the amount of the monthly support payment and the accrued and accruing child support pursuant to the guidelines established under section 598.21, subsection 4, and shall establish medical support pursuant to chapter 252E.

7. If a party fails to appear at the hearing, upon a showing that proper notice has been provided to the party, the court may find the party in default and enter an appropriate order.

Sec. 19. NEW SECTION. 252F.6 FILING WITH THE DISTRICT COURT.

Following issuance of an order by the administrator, the order shall be presented to an appropriate district court judge for review and approval. Unless a defect appears on the face of the order, the district court shall approve the order. Upon approval by the district court judge, the order shall be filed in the district court in the county in which the notice was filed pursuant to section 252F.3, subsection 2. Upon filing, the order has the same force and effect as a district court order.

Sec. 20. NEW SECTION. 252F.7 REPORT TO VITAL STATISTICS.

Upon the filing of an order with the district court pursuant to this chapter, the clerk of the district court shall report the information from the order to the bureau of vital statistics in the manner provided in section 600B.36.

Sec. 21. NEW SECTION. 252F.8 WAIVER OF TIME LIMITATIONS BY PUTATIVE FATHER.

1. A putative father may waive the time limitations established in this chapter.
2. Upon receipt of a signed statement from the putative father waiving the time limitations, the administrator may enter an order establishing paternity and support and the court may approve the order, notwithstanding the expiration of the period of the time limitations.
3. If a putative father waives the time limitations and an order establishing paternity and support is entered under this chapter, the signed statement of the putative father waiving the time limitations shall be filed with the order for support.

Sec. 22. Section 600B.41, subsection 7, paragraph a, unnumbered paragraph 1, Code 1993, is amended to read as follows:

Notwithstanding section 598.21, subsection 8, paragraph "k", the establishment of paternity by court order, including a court order based on an administrative establishment of paternity, or by affidavit may be overcome if all of the following conditions are met:

Sec. 23. Section 600B.41, subsection 7, paragraph a, subparagraph (4), Code 1993, is amended to read as follows:

- (4) The action to overcome paternity is filed no later than three years after the entry of an order establishment of paternity.

**DIVISION V
ADMINISTRATIVELY INSTITUTED SUSPENSIONS OF SUPPORT**

Sec. 24. NEW SECTION. 252B.20 SUSPENSION OF SUPPORT.

1. If the unit is providing child support enforcement services pursuant to chapter 252B, the parents of a dependent child for whom support has been ordered pursuant to chapter 252A, 252C, 252F, 598, 600B, or any other chapter, may jointly request the assistance of the unit in suspending the obligation for support if all of the following conditions exist:

- a. The parents have reconciled and are cohabiting, and the child for whom support is ordered is living in the same residence as the parents, or the child is currently residing with the parent who is ordered to pay support.

- b. The person entitled to receive support and the child for whom support is ordered are not receiving public assistance pursuant to chapter 239, 249A, or a comparable law of a foreign jurisdiction, unless the person against whom support is ordered is considered to be a member of the same household as the child for the purposes of public assistance eligibility.

- c. The parents have signed a notarized affidavit attesting to the conditions under paragraphs "a" and "b", have consented to suspension of the support order, and have submitted the affidavit to the unit.

- d. No prior request for suspension has been filed with the unit during the two-year period preceding the request.

- e. Any other criteria established by rule of the department.

2. Upon receipt of the application for suspension and properly executed and notarized affidavit, the unit shall review the application and affidavit to determine that the necessary criteria have been met. The unit shall then do one of the following:

- a. Deny the request and notify the parents in writing that the application is being denied, providing reasons for the denial and notifying the parents of the right to proceed through private counsel. Denial of the application is not subject to contested case proceedings or further review pursuant to chapter 17A.

- b. Approve the request and prepare an order which shall be submitted, along with the affidavit, to a judge of a district court for approval, suspending the accruing support obligation.

3. An order approved by the court for suspension of an accruing support obligation is effective upon the date of filing of the suspension order.

4. An order suspending an accruing support obligation entered by the court pursuant to this section shall be considered a temporary order for the period of six months from the date of filing of the suspension order.

5. During the six-month period the unit may request that the court reinstate the accruing support order if any of the following conditions exist:

a. Upon application to the unit by either parent or other person who has physical custody of the child.

b. Upon the receipt of public assistance benefits, pursuant to chapter 239, 249A, or a comparable law of a foreign jurisdiction, by the person entitled to receive support and the child on whose behalf support is paid, provided that the person owing the support is not considered to be a member of the same household as the child for the purposes of public assistance eligibility.

6. Upon filing of an application for reinstatement, service of the application shall be made either in person or by first class mail upon both parents. Within ten days following the date of service, the parents may file a written objection with the clerk of the district court to the entry of an order for reinstatement.

a. If no objection is filed, the court may enter an order reinstating the accruing support obligation without additional notice.

b. If an objection is filed, the clerk of court shall set the matter for hearing and send notice of the hearing to both parents and the unit.

7. The reinstatement is effective as follows:

a. For reinstatements initiated under subsection 5, paragraph "a", the date the notices were served on both parents pursuant to subsection 6.

b. For reinstatements initiated under subsection 5, paragraph "b", the date the child began receiving public assistance benefits during the suspension of the obligation.

c. Support which became due during the period of suspension but prior to the reinstatement is waived and not due and owing unless the parties requested and agreed to the suspension under false pretenses.

8. If the order suspending a support obligation has been on file with the court for a period exceeding six months, the order becomes final by operation of law and terminates the support obligation, and thereafter, a party seeking to establish a support obligation against either party shall bring a new action for support as provided by law.

9. This section shall not limit the rights of the parents or the unit to proceed by other means to suspend, terminate, modify, reinstate, or establish support.

10. This section does not provide for the suspension, waiver, satisfaction, or retroactive modification of support obligations which accrued prior to the entry of an order suspending enforcement and collection of support pursuant to this section.

11. Nothing in this section shall prohibit or limit the unit or a party entitled to receive support from enforcing and collecting any unpaid support that accrued prior to the suspension of the accruing obligation.

DIVISION VI CONTEMPT OF COURT

Sec. 25. Section 252B.1, Code 1993, is amended by adding the following new subsection: NEW SUBSECTION. 4A. "Obligor" means the person legally responsible for the support of a child as defined in section 598.1 under a support order issued in this state or a foreign jurisdiction.

Sec. 26. NEW SECTION. 252B.21 ADMINISTRATIVE SEEK EMPLOYMENT ORDERS.

1. For any support order being enforced by the unit, the administrator may enter an ex parte order requiring the obligor to seek employment if employment of the obligor cannot be verified and if the obligor has failed to make support payments. Advance notice is not required prior to entering the ex parte order. The unit shall file a copy of the order with the clerk of the district court.

2. The order to seek employment shall contain directives, including all of the following:

a. That the obligor seek employment within a determinate amount of time.

b. That the obligor file with the unit on a weekly basis a report of at least five new attempts to find employment or of having found employment. The report shall include the names,

addresses, and the telephone numbers of any employers or businesses with whom the obligor attempted to seek employment and the name of the individual contact to whom the obligor made application for employment or to whom an inquiry was directed.

c. That failure to comply with the notice is evidence of a willful failure to pay support under section 598.23A.

d. That the obligor shall provide the child support recovery unit with verification of any reason for noncompliance with the order.

e. The duration of the order, not to exceed three months.

3. The department may establish additional criteria or requirements relating to seek employment orders by rule as necessary to implement this section.

Sec. 27. Section 598.23A, subsection 1, Code 1993, is amended to read as follows:

1. If a person against whom an order or decree for support has been entered pursuant to this chapter or chapter 234, 252A, 252C, 252F, 600B, or any other support chapter, or a comparable chapter of a foreign jurisdiction, fails to make payments or provide medical support pursuant to that order or decree, the person may be cited and punished by the court for contempt under section 598.23 or this section. Failure to comply with a seek employment order entered pursuant to section 252B.21 is evidence of willful failure to pay support.

Sec. 28. Section 598.23A, subsection 2, Code 1993, is amended by striking the subsection and inserting in lieu thereof the following:

2. If a person is cited for contempt, the court may do either of the following:

a. Require the posting of a cash bond, within seven calendar days, in an amount equivalent to the current arrearages and an additional amount which is equivalent to at least twelve months of future support obligations. If the arrearages are not paid within three months of the hearing, the bond shall be automatically forfeited to cover payment of the full portion of the arrearages and the portion of the bond representing future support obligations shall be automatically forfeited to cover future support payments as payments become due.

b. (1) Require the performance of community service work of up to twenty hours per week for six weeks for each finding of contempt. The contemnor may, at any time during the six-week period, apply to the court to be released from the community service work requirement under any of the following conditions:

(a) The contemnor provides proof to the court that the contemnor is gainfully employed and submits to an order for income withholding pursuant to chapter 252D or to a court-ordered wage assignment.

(b) The contemnor provides proof of payment of an amount equal to at least six months' child support. The payment does not relieve the contemnor's obligation for arrearages or future payments.

(c) The contemnor provides proof to the court that, subsequent to entry of the order, the contemnor's circumstances have so changed that the contemnor is no longer able to fulfill the terms of the community service order.

(2) The contemnor shall keep a record of and provide the following information to the court at the court's request, or to the child support recovery unit established pursuant to chapter 252B, at the unit's request, when the unit is providing enforcement services pursuant to chapter 252B:

(a) The duties performed as community service during each week that the contemnor is subject to the community service requirements.

(b) The number of hours of community service performed during each week that the contemnor is subject to the community service requirements.

(c) The name, address, and telephone number of the person supervising or arranging for the performance of the community service.

(3) The performance of community service does not relieve the contemnor of any unpaid accrued or accruing support obligation.

Sec. 29. Section 598.23A, subsection 3, Code 1993, is amended by striking the subsection.

DIVISION VII
CHILD SUPPORT REFEREE AUTHORIZATION

Sec. 30. NEW SECTION. 602.6608 CHILD SUPPORT REFEREE.

1. The chief judge may appoint and may remove for cause with due process a referee to preside over child support proceedings.
2. Qualifications for a referee appointed under this section include, at a minimum, all of the following:
 - a. The referee shall be an attorney currently licensed to practice law in the state.
 - b. The referee shall have at least five years of experience in the practice of law.
 - c. The referee shall have at least two years of experience in the practice of family law, including experience in the area of child support, in the state of Iowa.
3. Duties of the referee are limited to presiding over child and medical support proceedings which are delegated to the referee by the chief judge or jointly by the chief judges of the affected judicial districts if the referee is authorized to preside over proceedings in more than one judicial district.
4. The compensation of the referee shall be established by the court.

DIVISION VIII
RELEASE OF INFORMATION

Sec. 31. Section 252B.9, Code 1993, is amended by adding the following new subsection:
NEW SUBSECTION. 1A. Notwithstanding other statutory provisions to the contrary, including but not limited to chapters 22 and 217, as the chapters relate to confidentiality of records maintained by the department, the payment records of the collection services center maintained under section 252B.13A are public records only as follows:

a. Payment records of the collection services center which are maintained pursuant to chapter 598 are public records and may be released upon request.

b. Except as otherwise provided in subsection 1, the department shall not release details related to payment records or provide alternative formats for release of the information, with the following additional exceptions:

(1) The unit or collection services center may provide additional detail or present the information in an alternative format to an individual or to the individual's legal representative if the individual owes or is owed a support obligation, to an agency assigned the obligation as the result of receipt by a party of public assistance, to an agency charged with enforcing child support pursuant to Title IV-D of the federal Social Security Act, or to the court.

(2) For support orders entered in Iowa which are being enforced by the unit, the unit may compile and make available for publication a listing of cases in which no payment has been credited to an accrued or accruing support obligation during a previous three-month period. Each case on the list shall be identified only by the name of the support obligor, the support obligor's court order docket or case number, the county in which the obligor's support order is filed, and the collection services center case numbers. The department shall determine dates for the release of information, the specific format of the information released, and the three-month period used as a basis for identifying cases. The department may not release the information more than twice annually. In compiling the listing of cases, no prior public notice to the obligor is required, but the unit may send notice annually by first-class mail to the last known address of any individual owing a support obligation which is being enforced by the unit. The notice shall inform the individual of the provisions of this subparagraph. Actions taken pursuant to this subparagraph are not subject to review under chapter 17A, and the lack of receipt of a notice does not prevent the unit from proceeding in implementing this subparagraph.

(3) The provisions of subparagraph (2) may be applied to support obligations entered in another state, at the request of an initiating state if the initiating state has demonstrated that the provisions of subparagraph (2) are not in conflict with the laws of the state where the support obligation is entered and the unit is enforcing the support obligation. For the purposes

of this subparagraph, "initiating state" means any child support enforcement agency operating under the provisions of Title IV-D of the federal Social Security Act.

c. The attorney general may utilize information of the unit to secure, modify, or enforce a support obligation of an individual, unless otherwise prohibited by federal law.

d. This subsection shall not permit or require the release of information contained in the case records of the unit, except to the extent provided in this section.

Sec. 32. Section 252B.9, subsection 2, Code 1993, is amended to read as follows:

2. Except as otherwise provided in subsection 1, paragraph "b", and in subsection 1A, information recorded by the department pursuant to this section shall be available only to the unit, attorneys prosecuting a case in which the unit may participate according to sections 252B.5 and 252B.6, courts having jurisdiction in support or abandonment proceedings, and agencies in other states charged with support collection and paternity determination responsibilities as determined by the rules of the department and the provisions of Title IV of the federal Social Security Act. However, information relating to the location of an absent parent shall be made available, pursuant to federal regulations, to a resident parent, legal guardian, attorney, or agent of a child who is not receiving assistance under Title IV-A of the federal Social Security Act. Unless otherwise prohibited by federal statute or regulation, the child support recovery unit shall release information relating to an absent parent to another unit of the department pursuant to a written request for the information approved by the director.

DIVISION IX SELF-EMPLOYED OBLIGORS

Sec. 33. Section 252B.5, Code 1993, is amended by adding the following new subsection:
NEW SUBSECTION. 8. a. Assistance, in consultation with the department of revenue and finance, in identifying and taking action against self-employed individuals as identified by the following conditions:

(1) The individual owes support pursuant to a court or administrative order being enforced by the unit and is delinquent in an amount equal to or greater than the support obligation amount assessed for one month.

(2) The individual has filed a state income tax return in the preceding twelve months.

(3) The individual has no reported tax withholding amount on the most recent state income tax return.

(4) The individual has failed to enter into or comply with a formalized repayment plan with the unit.

(5) The individual has failed to make either all current support payments in accordance with the court or administrative order or to make payments against any delinquency in each of the preceding twelve months.

b. Notwithstanding section 252B.9, the unit may forward information to the department of revenue and finance as necessary to implement this subsection, including but not limited to both of the following:

(1) The name and social security number of the individual.

(2) Support obligation information in the specific case, including the amount of the delinquency.

Sec. 34. Section 421.17, Code 1993, is amended by adding the following new subsections:

NEW SUBSECTION. 21A. To cooperate with the child support recovery unit created in chapter 252B to establish and maintain a process to implement the provisions of section 252B.5, subsection 8. The department of revenue and finance shall forward to individuals meeting the criteria under section 252B.5, subsection 8, paragraph "a", a notice by first-class mail that the individual is obligated to file a state estimated tax form and to remit a separate child support payment.

a. Individuals notified shall submit a state estimated tax form on a quarterly basis.

b. The individual shall pay monthly, the lesser of the total delinquency or one hundred fifty percent of the current or most recent monthly obligation.

c. The individual shall remit the payment to the department of revenue and finance separate from any tax liability payments, identify the payment as a support payment, and make the payment payable to the collection services center. The department shall forward all payments received pursuant to this section to the collection services center established pursuant to chapter 252B, for processing and disbursement. The department of revenue and finance may establish by rule a process for the child support recovery unit or collection services center to directly receive the payments.

d. The notice shall provide that, as an alternative to the provisions of paragraph "b", the individual may contact the child support recovery unit to formalize a repayment plan and obtain an exemption from the quarterly payment requirement or to contest the balance due listed in the notice when payments are made pursuant to the plan.

e. The department of revenue and finance, in cooperation with the child support recovery unit, may adopt rules, if necessary, to implement this subsection.

NEW SUBSECTION. 21B. To provide information contained in state individual tax returns to the child support recovery unit for the purposes of establishment or enforcement of support obligations. The department of revenue and finance and child support recovery unit may exchange information in a manual or automated fashion. The department of revenue and finance, in cooperation with the child support recovery unit, may adopt rules, if necessary, to implement this subsection.

DIVISION X TECHNICAL AND CONFORMING PROVISIONS

Sec. 35. Section 252A.6, subsection 15, Code 1993, is amended to read as follows:

15. Any order of support issued by a court of the state acting as a responding state shall not supersede any previous order of support issued in a divorce or separate maintenance action, but the amounts for a particular period paid pursuant to either order shall be credited against amounts accruing or accrued for the same period under both. This subsection also applies to orders entered following an administrative process including, but not limited to, the administrative processes provided pursuant to chapters 252C and 252F.

Sec. 36. Section 252B.3, unnumbered paragraph 1, Code 1993, is amended to read as follows:

Upon receipt by the department of an application for public assistance on behalf of a child and determination by the department that the child has been abandoned by its parents or that the child and one parent have been abandoned by the other parent or that the parent or other person responsible for the care, support or maintenance of the child has failed or neglected to give proper care or support to the child, the department shall take appropriate action under the provisions of this chapter or under other appropriate statutes of this state including but not limited to chapters 239, 252A, 252F, 598, and 600B, to ensure that the parent or other person responsible for the support of the child fulfills the support obligation.

Sec. 37. Section 252B.4, unnumbered paragraph 1, Code 1993, is amended to read as follows:

The child support and paternity determination services established by the department pursuant to this chapter and other appropriate services provided by law including but not limited to the provisions of chapters 239, 252A, 252C, 252D, 252E, 252F, 598, and 600B shall be made available by the unit to an individual not otherwise eligible as a public assistance recipient upon application by the individual for the services. The application shall be filed with the department.

Sec. 38. Section 252B.5, subsections 2 and 3, Code 1993, are amended to read as follows:

2. Aid in establishing paternity and securing a court or administrative order for support pursuant to chapter 252A, 252F, or 600B.

3. Aid in enforcing through court or administrative proceedings an existing court order for support issued pursuant to chapter 252A, 252C, 252F, 598, or 600B, or any other chapter under which child or medical support is granted.

Sec. 39. Section 252B.13A, subsection 1, Code 1993, is amended to read as follows:

1- The department shall establish within the unit a collection services center for the receipt and disbursement of support payments as defined in section 598.1 ~~as required pursuant to an order for which the unit is providing enforcement services under this chapter orders by section 252B.14.~~ For purposes of this section, support payments do not include attorney fees, ~~or court costs, or property settlements.~~

Sec. 40. Section 252B.13A, subsections 2 and 3, Code 1993, are amended by striking the subsections.

Sec. 41. Section 252B.14, Code 1993, is amended to read as follows:

252B.14 SUPPORT PAYMENTS – COLLECTION SERVICES CENTER – CLERK OF THE DISTRICT COURT.

All support payments required pursuant to orders entered under this chapter and chapter 234, 252A, 252C, 598, 600B, or any other chapter shall be directed and processed as follows:

1. For the purposes of this section, “support order” includes any order entered pursuant to chapter 234, 252A, 252C, 598, 600B, or any other support chapter or proceeding which establishes support payments as defined in section 598.1.

1 2. If ~~For support orders being enforced by the child support recovery unit is providing enforcement services for a support order,~~ support payments made pursuant to the order shall be directed to and processed as follows: ~~disbursed by the collection services center.~~

a. Payments made through income withholding, wage assignment, unemployment insurance offset, or tax offset shall be directed to and disbursed by the collection services center.

b. Payments made through electronic transfer of funds, including but not limited to use of an automated teller machine, a telephone initiated bank account withdrawal, or an automatic bank account withdrawal shall be directed to and disbursed by the collection services center.

c. Payments made through any other method shall be directed to the clerk of the district court in the county in which the order for support is filed and shall be disbursed by the collection services center.

2 3. If the child support recovery unit is not providing enforcement services for a support order ~~For a support order as to which subsection 2 does not apply,~~ support payments made pursuant to the order shall be directed to and disbursed by the clerk of the district court in the county in which the order for support is filed.

3 4. Payments to persons other than the clerk of the district court or the collection services center do not satisfy the support obligations created by a support order or judgment, except as provided for trusts and social security income in section sections 252D.1, 598.22, or 598.23, or for tax refunds or rebates in section 602.8102, subsection 47, and except as provided in section 598.22A.

Sec. 42. Section 252B.15, subsections 1, 3, and 4, Code 1993, are amended by striking the subsections.

Sec. 43. Section 252B.16, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Once the responsibility for receiving and disbursing support payments has been transferred from a clerk of the district court to the collection services center, the responsibility shall remain with the collection services center even if the child support recovery unit is no longer providing enforcement services, unless redirected by court order.

Sec. 44. Section 252C.1, subsection 5, Code 1993, is amended to read as follows:

5. “Dependent child” means a person who meets the eligibility criteria established in chapter 234 or 239 and whose support is required by chapter 234, 239, 252A, 252F, 598, or 600B.

Sec. 45. Section 252D.1, subsection 2, Code 1993, is amended to read as follows:

2. If support payments ordered under chapter 232, 234, 252A, 252C, 252D, 252E, 252F, 598, 600B, or any other applicable chapter, or under a comparable statute of a foreign jurisdiction, as certified to the child support recovery unit established in section 252B.2, are not paid to

the clerk of the district court or the collection services center pursuant to section 598.22 and become delinquent in an amount equal to the payment for one month, upon application of a person entitled to receive the support payments, the child support recovery unit or the district court may enter an ex parte order notifying the person whose income is to be assigned, of the delinquent amount, of the amount of income or wages to be withheld, and of the procedure to file a motion to quash the order of assignment, and shall order an assignment of income and notify an employer, trustee, or other payor by regular mail, with proof of service completed according to rule of civil procedure 82, of the order of the assignment of income requiring the withholding of specified sums to be deducted from the delinquent person's periodic earnings, trust income, or other income sufficient to pay the support obligation and, except as provided in section 598.22, requiring the payment of such sums to the clerk of the district court or the collection services center. The assignment of income is binding on an existing or future employer, trustee, or other payor ten days after the receipt of the order. The amount of an assignment of income shall not exceed the amount specified in 15 U.S.C. § 1673(b). The assignment of income has priority over a garnishment or an assignment for a purpose other than the support of the dependents in the court order being enforced. The child support recovery unit or the district court, upon the application of any party, by ex parte order, may modify the assignment of income on the full payment of the delinquency or in an instance where the amount being withheld exceeds the amount specified in 15 U.S.C. § 1673(b), or may revoke the assignment of income upon the termination of parental rights, emancipation, death or majority of the child, or upon a change of custody.

Sec. 46. Section 252E.1, subsection 1, Code 1993, is amended to read as follows:

1. "Child" means a person for whom child or medical support may be ordered pursuant to chapter 234, 239, 252A, 252C, 252F, 598, 600B or any other chapter of the Code or pursuant to a comparable statute of a foreign jurisdiction.

Sec. 47. Section 252H.2, unnumbered paragraph 1, if enacted by 1993 Iowa Acts, Senate File 349,* section 25, is amended to read as follows:

252H.2 DEFINITIONS.

As used in this chapter, unless the context otherwise requires "administrator", "caretaker", "court order", "department", "dependent child", "medical support", "public assistance", and "responsible person", mean the same as defined in section 252C.1.

Sec. 48. Section 598.21, subsection 4, unnumbered paragraph 1, Code 1993, is amended to read as follows:

The supreme court shall maintain uniform child support guidelines and criteria and review the guidelines and criteria at least once every four years, pursuant to the federal Family Support Act of 1988, Pub. L. No. 100-485. The initial review shall be performed within four years of October 12, 1989, and subsequently within the four-year period of the most recent review. It is the intent of the general assembly that, to the extent possible within the requirements of federal law, the court and the child support recovery unit consider the individual facts of each judgment or case in the application of the guidelines and determine the support obligation, accordingly. It is also the intent of the general assembly that in the supreme court's review of the guidelines, the supreme court shall do both of the following: emphasize the ability of a court to apply the guidelines in a just and appropriate manner based upon the individual facts of a judgment or case; and in determining monthly child support payments, consider other children for whom either parent is legally responsible for support and other child support obligations actually paid by either party pursuant to a court or administrative order.

Sec. 49. Section 598.21, subsection 8, unnumbered paragraph 3, Code 1993, is amended to read as follows:

Judgments for child support or child support awards entered pursuant to this chapter, chapter 234, 252A, 252C, 252F, 600B, or any other chapter of the Code which are subject to a modification proceeding may be retroactively modified only from the date the notice of the pending petition for modification is served on the opposing party.

*Chapter 78 herein

Sec. 50. Section 598.22, unnumbered paragraph 1, Code 1993, is amended to read as follows:

Except as otherwise provided in section 598.22A, this section applies to all initial or modified orders for support entered under this chapter, chapter 234, 252A, 252C, 252F, 600B, or any other chapter of the Code. All orders or judgments entered under chapter 234, 252A, 252C, 252F, or 600B, or under this chapter or any other chapter which provide for temporary or permanent support payments shall direct the payment of those sums to the clerk of the district court or the collection services center in accordance with section 252B.14 for the use of the person for whom the payments have been awarded. Payments to persons other than the clerk of the district court and the collection services center do not satisfy the support obligations created by the orders or judgments, except as provided for trusts governed by the federal Retirement Equity Act of 1984, Pub. L. No. 98-397, for tax refunds or rebates in section 602.8102, subsection 47, or for dependent benefits paid to the child support obligee as the result of disability benefits awarded to the child support obligor under the federal Social Security Act. For trusts governed by the federal Retirement Equity Act of 1984, Pub. L. No. 98-397, the assignment of income shall require the payment of such sums to the alternate payee in accordance with the federal Act.

Sec. 51. Section 598.22A, subsection 3, Code 1993, is amended to read as follows:

3. The court shall not enter an order for satisfaction of payments not made through the clerk of the district court or collection services center if those payments have been assigned as a result of public funds expended pursuant to chapter 234, 239, or 249A, or similar statutes in other states and the support payments accrued during the months in which public funds were expended. If the support order did not direct payments to a clerk of the district court or the collection services center, and the support payments in question accrued during the months in which public funds were not expended, however, the court may enter an order for satisfaction of payments not made through the clerk of the district court or the collection services center if documentation of the financial instrument used in the payment of support is presented to the court and the parties to the order submit a written affidavit confirming that the financial instrument was used as payment for support.

Sec. 52. Section 602.8102, subsection 47, Code 1993, is amended to read as follows:

47. Record support payments made pursuant to an order entered under chapter 252A, 252F, 598, or 600B, or under a comparable statute of a foreign jurisdiction and through setoff of a state or federal income tax refund or rebate, as if the payments were received and disbursed by the clerk; forward support payments received under section 252A.6 to the department of human services and furnish copies of orders and decrees awarding support to parties receiving welfare assistance as provided in section 252A.13.

Sec. 53. Section 642.23, Code 1993, is amended to read as follows:

642.23 SUPPORT DISBURSEMENTS BY THE CLERK.

Notwithstanding the seventy-day period in section 626.16 for the return of an execution in garnishment for the payment of a support obligation, the sheriff shall promptly deposit any amounts collected with the clerk of the district court, and the clerk shall disburse the amounts, after subtracting applicable fees, within ten two working days of deposit to the filing of an order condemning funds as follows:

a. To the person entitled to the support payments when the clerk of the district court is the official entity responsible for the receipt and disbursement of support payments pursuant to section 252B.14.

b. To the collection services center when the collection services center is the official entity responsible for the receipt and disbursement of support payments pursuant to section 252B.14.

Sec. 54. Section 252C.9, Code 1993, is repealed.

Sec. 55. REPEAL. 1990 Iowa Acts, chapter 1224, section 1, as amended by 1991 Iowa Acts, chapter 62, section 1, and 1992 Iowa Acts, chapter 1028, section 1, is repealed.

Sec. 56. INTENT — APPOINTMENT OF REFEREE. It is the intent of the general assembly that the costs associated with the appointment of a referee pursuant to section 602.6608 be defrayed using current funding.

Sec. 57. INTENT — RELEASE OF RECORDS — EFFECTIVE DATE. It is the intent of the general assembly that the child support recovery unit request review of division VIII of this Act by the United States department of health and human services and obtain federal approval prior to implementation of these sections. Division VIII of this Act is effective upon receipt of approval by the federal government. If approval is not received and if implementation of the sections would place the state at risk of loss of federal funding, the division shall not be implemented.

Sec. 58. EFFECTIVE DATE. Sections 39 through 43 and sections 53 and 55 of this Act, being deemed of immediate importance, take effect upon enactment.

Sec. 59. INTENT — VISITATION RIGHTS. The judicial department shall review the issue of compliance with visitation rights awarded pursuant to section 598.41 and shall make recommendations to the committee on judiciary of the senate and the committee on judiciary and law enforcement of the house of representatives by January 15, 1994, regarding improvements in enforcement of and compliance with the visitation rights awarded under a child custody order.

Approved May 3, 1993

CHAPTER 80

SMALL GROUP HEALTH BENEFIT PLANS AND AVAILABILITY OF COVERAGE *S.F. 362*

AN ACT relating to small group rating practices and the availability of health insurance coverage.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 513B.1, Code 1993, is amended to read as follows:
513B.1 TITLE — PURPOSE.

1. This ~~chapter~~ subchapter shall be known and may be cited as the “Model Small Group Rating Law”.

2. The intent of this ~~chapter~~ subchapter is to promote the availability of health insurance coverage to small employers, to prevent abusive rating practices, to require disclosure of rating practices to purchasers, to establish rules for continuity of coverage for employers and covered individuals, and to improve the efficiency and fairness of the small group health insurance marketplace.

Sec. 2. Section 513B.2, Code 1993, is amended by adding the following new unnumbered paragraph before subsection 1:

NEW UNNUMBERED PARAGRAPH. As used in this subchapter, unless the context otherwise requires:

Sec. 3. Section 513B.2, subsections 10 and 16, Code 1993, are amended to read as follows:

10. a. “Health benefit plan” or “plan” means any hospital or medical expense incurred policy or certificate, major medical expense insurance, hospital or medical service plan contract, or health maintenance organization subscriber contract.

b. “Health benefit plan” does not include accident-only, credit, dental, or disability income insurance, coverage issued as a supplement to liability insurance, workers’ compensation or similar insurance, or automobile medical-payment insurance.